

### **REMARKS**

The preceding claim amendments and the following remarks are submitted as a full and complete response to the Office Action issued on July 12, 2010. Claims 1, 35, 49, 57, and 66 have been amended. No new matter has been added. Claims 18-21, 32-34, 52-56, 67 and 68 have been withdrawn. Accordingly, claims 1-23 and 25-68 are pending. Reconsideration of all outstanding rejections is respectfully requested in view of the foregoing amendment and following remarks.

The above amendments are of purely linguistic nature in order to improve the claim language (claims 1, 35), to remove clerical errors (claims 49, 57) or to provide proper antecedent basis (claim 66). No new matter has been added.

### **Priority**

Applicants will submit an English translation of priority application A 1309/2003 upon indication of allowable subject matter.

### **Rejections under 35 U.S.C. §103**

The Patent Office has rejected claims 1-17, 22, 23, 25-31, 35-51 and 57-66 under 35 U.S.C. § 103(a) as obvious over Gergely et al. (U.S. Pat. No. 4,911,930) ("Gergely '930"). Insofar as this rejection could apply to the claims, as amended, it is respectfully traversed.

In rejecting the claims, the Office largely refers to example 7. Although set out very clearly in example 7 (see col. 14, lines 50 - 62) that reaction cycles may be repeated only **after a drying step**, and taking into account that claims 1 and 35 expressly state that repeating cycles are done without intermediate drying, the Office Action at page five thereof arrives at the conclusion that the claimed invention differs from the prior art only in that the prior art does not explicitly teach the vacuum range suitable for the granulating reaction.

This conclusion is entirely erroneous and misses the point. Throughout the Gergely '930 patent it is made absolutely clear that after each wetting step the reaction between the reactive ingredients needs to be stopped by drying through evacuation down to 10 – 30 mbar. Attached hereto as Exhibit A is a marked-up copy of the Gergely '930 patent with highlighted relevant passages in red. Such drying steps are explicitly disclaimed in the present application and reasoning is given in the description for this explicit disclaimer.

Moreover, the Gergely '930 patent has been cited in the introductory part of the present patent application and has been qualified there as suffering from certain drawbacks. In particular, the application of a hot, i.e. 100 - 150°C, vapor stream for wetting the reactive ingredients, was held unsuitable for controlling the granulating reaction.

Although the Office Action at page three thereof correctly refers to some of the process steps disclosed in example 7, including the referral to "changing from a low constant vacuum for the condensation to a full vacuum for drying", it is of manifest significance that **each** cycle in Gergely '930 comprises such a step of full vacuum drying, which is clearly in contrast to the presently claimed invention.

In view of the above remarks, withdrawal of the rejection of the claims based on Gergely '930 is respectfully requested.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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